

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

MOISES MENDEZ,

Plaintiff,

-against-

08 Civ. 4967(CM)

STARWOOD HOTELS & RESORTS
WORLDWIDE, INC.,

Defendant.

x

NOTICE TO PARTIES PURSUANT TO FED. R. CIV. P. 59(D)

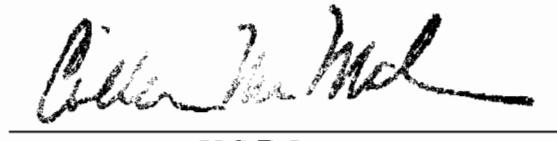
McMahon, J.:

Judgment not yet having been entered, the Court, on its own motion, hereby notifies the parties, pursuant to Fed. R. Civ. P. 59(d), that it is considering entering an order directing a new trial on the issue of racial/national origin discrimination in this case, on the ground that the verdict is against the weight of the evidence. The Court does not intend to reopen the issue of disability discrimination.

The briefing schedule will be as follows: plaintiff shall provide a brief addressing why the verdict on the issue of racial/national origin discrimination is against the weight of the evidence. That brief is due on May 14, 2010. Defendant shall provide a brief addressing why the verdict on the issue of racial/national origin discrimination is not against the weight of the evidence. That brief is due June 4, 2010. No reply brief will be accepted.

With regard to the plaintiffs' motion for an award of attorneys' fees, defendant shall respond thereto by May 14, 2010. I appreciate that this may seem premature from defendant's point of view, but I intend to rule on all aspects of the case in a single opinion and I want Starwood's response to Mr. Thompson's application, which assumes that the jury's verdict remains in place.

Dated: April 26, 2010



U.S.D.J.

BY ECF TO ALL PARTIES.